

SECOND REGULAR SESSION

# HOUSE BILL NO. 1287

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HIGDON (Sponsor), KLIPPENSTEIN, TORPEY, ELMER, FUNDERBURK, FISHER, DAVIS, LAUER, GATSCHENBERGER, SCHAD, McGHEE, SOLON, KELLEY (126), FITZWATER, BROWN (116), CONWAY (27), TALBOY, JONES (89), DIEHL, WHITE, CURTMAN, HINSON AND CONWAY (14) (Co-sponsors).

4729L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 313.835, RSMo, and to enact in lieu thereof two new sections relating to the Missouri veterans fund.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 313.835, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 42.142 and 313.835, to read as follows:

**42.142. 1. All moneys transferred by the Missouri gaming commission from the Missouri veterans fund established under subsection 2 of section 313.835 shall be subject to appropriation, but shall not be deemed general revenue and shall not reduce any moneys otherwise appropriated to the Missouri veterans commission. Such moneys shall be used solely for purposes of supporting Missouri veterans homes by the Missouri veterans commission.**

**2. The state auditor shall conduct annual audits of all moneys transferred to the Missouri veterans commission under subsection 2 of section 313.385 from the Missouri veterans fund. The findings of each audit shall be distributed to the general assembly, governor, and lieutenant governor no later than ten business days after the completion of such audit.**

313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be  
6 deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby  
7 created for the sole purpose of funding the administrative costs of the commission, subject to  
8 appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling  
9 operations. Moneys deposited into the gaming commission fund shall be considered state funds  
10 pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the  
11 gaming commission fund shall be credited to the gaming commission fund. In each fiscal year,  
12 total revenues to the gaming commission fund for the preceding fiscal year shall be compared  
13 to total expenditures and transfers from the gaming commission fund for the preceding fiscal  
14 year. The remaining net proceeds in the gaming commission fund shall be distributed in the  
15 following manner:

16 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to  
17 cities and counties that match the state portion and have demonstrated a need for funding  
18 community neighborhood organization programs for the homeless and to deter gang-related  
19 violence and crimes;

20 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and  
21 each fiscal year thereafter shall be distributed as follows:

22 (a) The first four and one-half million dollar portion shall be transferred to the access  
23 Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101  
24 to 173.1107, and additional moneys as annually appropriated by the general assembly shall be  
25 appropriated to such fund;

26 (b) The second three million dollar portion shall be transferred to the veterans'  
27 commission capital improvement trust fund created in section 42.300;

28 (c) The third three million dollar portion shall be transferred to the Missouri national  
29 guard trust fund created in section 41.214;

30 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the  
31 gaming commission fund except as provided in paragraphs (e) and (f) of this subdivision, and  
32 after the appropriations made pursuant to the provisions of paragraphs (a), (b), and (c) of this  
33 subdivision, shall be transferred to the early childhood development, education and care fund  
34 created in section 161.215;

35 (e) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of  
36 this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars:  
37 one-half million dollars of such proceeds shall be transferred annually, subject to appropriation,  
38 to the access Missouri financial assistance fund, established pursuant to the provisions of  
39 sections 173.1101 to 173.1107; three million dollars of such proceeds shall be transferred  
40 annually, subject to appropriation, to the veterans' commission capital improvement trust fund;

41 and one million dollars of such proceeds shall be transferred annually, subject to appropriation,  
42 to the Missouri national guard trust fund created in section 41.214;

43 (f) Beginning in fiscal year 2011 and each fiscal year thereafter when the funding for  
44 early childhood education under paragraph (d) of this subdivision equals the funding level for  
45 early childhood education under paragraph (d) of this subdivision in fiscal year 2009, one-half  
46 of the next one million two hundred thousand dollars of such proceeds shall be transferred  
47 annually, subject to appropriation, to the veterans commission capital improvement trust fund  
48 for the purpose of funding veterans' service officer programs identified under subdivision (5) of  
49 subsection 1 of section 42.300, and the other half of the one million two hundred thousand  
50 dollars shall be transferred annually, subject to appropriation, to the early childhood  
51 development, education and care fund created in section 161.215.

52 **2. (1) In addition to the moneys distributed under subsection 1 of this section, the**  
53 **Missouri gaming commission shall promulgate rules within one hundred twenty days of**  
54 **the effective date of this section to allow patrons of excursion gambling boats to donate all**  
55 **or any portion of such patrons winnings to the Missouri veterans fund created in**  
56 **subdivision (2) of this subsection. The cashier shall ask each patron who redeems any**  
57 **winning ticket or otherwise requests cash winnings whether such patron wishes to donate**  
58 **all or a portion of his or her winning to the Missouri veterans fund. Any patron wishing**  
59 **to donate all or a portion of such winnings shall be provided a card by the cashier to**  
60 **designate the amount of donation. In addition and notwithstanding any other provision**  
61 **of law to the contrary, all moneys or winning tickets not claimed or redeemed, or found on**  
62 **the premises shall be deemed donated winnings under this subsection. All donated**  
63 **amounts under this subsection shall be deposited to the credit of the Missouri veterans**  
64 **fund.**

65 **(2) There is hereby created the "Missouri Veterans Fund", which shall consist of**  
66 **all donated moneys collected under this subsection. All moneys in the Missouri veterans**  
67 **fund shall be transferred at least quarterly to the Missouri veterans commission and shall**  
68 **be subject to the provisions of and expended by the Missouri veterans commission in**  
69 **accordance with section 42.142.**

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